United Nations A/60/320

General Assembly

Distr.: General
31 August 2005

Original: English

Sixtieth session
Item 83 of the provisional agenda*
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

Report of the Secretary-General

Summary

The present report has been submitted pursuant to paragraph 12 of General Assembly resolution 59/45 of 2 December 2004. It highlights the measures for the further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions; reviews the capacity and modalities within the Secretariat for implementing the intergovernmental mandates and for addressing the main findings, including recommendations of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions (A/53/312, sect. IV); and notes the recent developments related to the role of the General Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions.

* A/60/150.

05-47775 (E) 220905

Contents

		Paragraphs	*P*
I.	Introduction	1	
II.	Measures for further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions	2–8	
III.	Review of the capacity and modalities of the Secretariat for implementing the intergovernmental mandates and recommendations of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions	9–12	
IV.	Views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions	13–14	
V.	Recent developments related to the role of the General Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions	15–18	

I. Introduction

1. At its fifty-ninth session, the General Assembly adopted resolution 59/45 of 2 December 2004, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions", in which, inter alia, it requested the Secretary-General to submit a report to the sixtieth session on the implementation of the resolution. The present report has been prepared pursuant to that request.

II. Measures for further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions

2. Paragraphs 1 to 3 of General Assembly resolution 59/45 relate to the further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions. Information regarding the implementation of these provisions is set forth below.

3. In a letter to the President of the Security Council dated 17 December 2004 (S/2004/979), the outgoing Chairman of the Informal Working Group of the Security Council on General Issues of Sanctions observed that, after thorough discussion and assessment of the practice of the Council in the use of sanctions, the Group had come to the conclusion that many of the recommendations identified during its previous discussions and highlighted in the Chairman's proposed outcome, coupled with ideas advanced at the Interlaken, Bonn-Berlin and Stockholm processes, had resulted in tangible and concrete changes during the past several years. In this connection, it was noted that the Security Council, in relevant cases, had sought an assessment of the possible humanitarian impact of measures it had authorized, with a view to minimizing the unintended negative consequences of such measures. The letter also noted that various reports by expert sanctions monitoring bodies had included recommendations for improving the implementation and effectiveness of sanctions as well as for mitigating their unintended impact. In his letter, the Chairman also noted that interested parties may review the Chairman's proposed outcome on the Internet (see http://www.un.org/Docs/sc/committees/sanctions/Prop_out10.pdf).

4. In a note dated 23 December 2004 (S/2004/1014), the President of the Security Council observed that, after consultations among the members of the Council, it had been agreed that the mandate of the Informal Working Group on General Issues of Sanctions should be extended until 31 December 2005. While the new mandate of the Working Group was still to develop general recommendations on how to improve the effectiveness of United Nations sanctions, the Working Group was also mandated, inter alia, to discuss within this framework, as appropriate, and with the consensus of its members, a number of sanctions-related issues, including the assessment of the unintended impact of sanctions and ways to assist affected untargeted States. In a note dated 5 January 2005 (S/2005/4), the President of the Council stated that, following consultations among the members of the Council, it

had been agreed that Augustine P. Mahiga of the United Republic of Tanzania would serve as Chairman of the Working Group for the period ending 31 December 2005.

5. During the reporting period, there were no pre-assessment reports or ongoing assessment reports concerning the likely and actual unintended impact of sanctions on third States. Nevertheless, a number of reports mandated by the Security Council touched upon the humanitarian and socio-economic consequences of sanctions. At its 4981st meeting, held on 3 June 2004, the Council was addressed by the Chairman of the National Transitional Government of Liberia, Charles Gyude Bryant. In his statement, Mr. Bryant called for the Council to lift the prohibitions on the import of diamonds, round logs and timber products from Liberia in the light of the need to revive the country's economy and create jobs for ex-combatants. He noted the role of timber and diamonds as foreign exchange earners for the economy of Liberia and he requested the Council to send its Panel of Experts to Liberia to validate Liberia's performance in meeting the conditions set out by the Council for the lifting of sanctions. On 17 June 2004, the Council adopted resolution 1549 (2004) by which the Council, inter alia, took note of the views expressed by the Chairman of the National Transitional Government of Liberia to the Council on 3 June 2004 and reappointed the Panel of Experts to undertake tasks including the submission of a midterm report by 30 September 2004. The report was to take into consideration progress made towards meeting the conditions for the lifting of sanctions on diamonds and timber (see S/2004/752). The Panel was also requested to assess the socio-economic and humanitarian impact of the sanctions measures as part of its final report under resolution 1549 (2004) (see S/2004/955).

6. In its resolution 1579 (2004) of 21 December 2004, the Security Council extended the prohibition against the import of rough diamonds from Liberia for a period of six months while the other time-bound sanctions measures were extended for a period of 12 months. In previous resolutions concerning sanctions on Liberia, the diamond sanctions had always been extended for 12-month periods (see resolutions 1343 (2001), 1408 (2002), 1478 (2003) and 1521 (2003)). By resolution 1579 (2004), the Council also decided to re-establish the Panel of Experts to undertake certain tasks, including assessing progress made towards meeting the conditions for the lifting of sanctions and assessing the humanitarian and socio-economic impact of the sanctions. In a report transmitted in a letter dated 16 March 2005 from the Chairman of the Committee to the President of the Council (S/2005/176, annex, enclosure), the Panel of Experts provided a preliminary assessment of the progress made towards meeting the conditions for lifting the measures on diamonds. In a subsequent report transmitted in a letter dated 13 June 2005 from the Chairman of the Committee to the President of the Council (S/2005/360), the Panel of Experts outlined various observations and recommendations relating to the humanitarian and socio-economic impact of the sanctions concerning Liberia. In its resolution 1607 (2005) of 21 June 2005, the Council extended the prohibition against the import of rough diamonds from Liberia for a period of six months. By the same resolution, the Council also decided to re-establish the Panel of Experts to undertake specific tasks, including assessing progress made towards meeting the conditions for the lifting of sanctions and assessing the humanitarian and socio-economic impact of the sanctions.

7. In the period under review, no sanctions committees were approached by Member States concerning special economic problems arising from the implementation of sanctions. During the same period, the Security Council

continued its recent practice of imposing targeted sanctions measures that help to minimize unintended economic problems for States. This trend can be amply illustrated by the following examples. By resolution 1572 (2004) of 15 November 2004, the Council imposed an arms embargo on the territory of Côte d'Ivoire. The same resolution also established a travel ban and assets freeze, which entered into force on 15 December 2004, to be imposed against those individuals designated by the Committee in accordance with the criteria set out in the resolution. Similarly, by resolution 1591 (2005) of 29 March 2005, the Council imposed an arms embargo on the states of North Darfur, South Darfur and West Darfur in the Sudan. In the same resolution, the Council also established a travel ban and assets freeze, which entered into force on 29 April 2005, to be imposed against those individuals designated by the Committee in accordance with the criteria set out in the resolution. By resolution 1596 (2005) of 18 April 2005, the Council amended and expanded its existing arms embargo concerning the Democratic Republic of the Congo and established a travel ban and assets freeze to be imposed against those individuals designated by the Committee in accordance with the criteria set out in the resolution.

8. As noted in paragraph 10 of the previous report of the Secretary-General (A/59/334), as a result of the modifications made to the Iraq sanctions regime since May 2003, all of the Council's existing sanctions regimes are now targeted in nature and the unintended consequences for civilian populations and third States are thereby minimized.

III. Review of the capacity and modalities of the Secretariat for implementing the intergovernmental mandates and recommendations of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions

9. The Secretary-General has taken note of paragraph 4 of General Assembly resolution 59/45, in which the Assembly requested him to pursue the implementation of the relevant Assembly resolutions[1] and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to: collate and coordinate information about international assistance available to third States affected by the implementation of sanctions; continue developing a possible methodology for assessing the adverse consequences actually incurred by third States; and explore innovative and practical measures of assistance to the affected third States.

10. In this regard, it should be noted that the arrangements put in place in the Secretariat in 1996, as described in the report of the Secretary-General (A/51/317, paras. 4-11), as well as in his reports of 1997 and 2002 (A/52/308, para. 5, and A/57/165, para. 9), continue to apply. It should be noted that, since these arrangements were based on existing resources, the overall budgetary resources currently available to the Departments concerned would have to be maintained into the future.

11. It is also understood that the existing arrangements for interdepartmental cooperation do not preclude further cooperation between the relevant Departments,

as appropriate, and that the setting in motion of the functions contemplated in several subparagraphs of paragraph 3 of General Assembly resolution 50/51 of 11 December 1995 depends on a request by the Security Council, its organs or interested Member States.

12. The Secretary-General has provided and will continue to provide his full support for the intergovernmental deliberations on issues under review, as well as his views and recommendations as required, in order to ensure the implementation of relevant intergovernmental mandates in a timely and efficient manner.

IV. Views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions

13. In paragraphs 5 and 9 of General Assembly resolution 59/45, the General Assembly, inter alia, renewed its invitation to States and relevant international organizations within and outside the United Nations system that had not yet done so to provide their views regarding the report of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States (A/53/312).

14. No further comments have been received concerning the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions (see A/53/312, sect. IV) beyond those summarized in documents A/54/383 and Add.1 and A/55/295 and Add.1.

V. Recent developments related to the role of the General Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions

15. Pursuant to paragraph 7 of General Assembly resolution 59/45, the Assembly and the Economic and Social Council have continued to play their respective roles in the area of assistance to third States affected by the application of sanctions.[2]

General Assembly

16. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met from 14 to 18 March 2005.[3] The report summarizes the discussions on the question of the implementation of the Charter provisions related to assistance to third States affected by sanctions.[4]

Economic and Social Council

17. In a note dated 13 May 2005 on assistance to third States affected by the application of sanctions (E/2005/62), the Secretary-General drew the attention of the Economic and Social Council to General Assembly resolution 59/45, in particular to paragraph 8 thereof, in which the Assembly had transmitted to the Council the previous report in this series (A/59/334).

18. At its substantive session of 2005, held in New York from 29 June to 27 July 2005, the Economic and Social Council adopted decision 2005/312 of 27 July 2005, in which it took note of the note by the Secretary-General (E/2005/62) and the report of the Secretary-General to the General Assembly (A/59/334).

Notes

[1] See resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87, 57/25 and 58/80.

[2] During the period under review, there were no developments in the Committee for Programme and Coordination in the area of assistance to third States affected by the application of sanctions.

[3] For the report of the Special Committee, see *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 33* (A/59/33).

[4] Ibid., chap. III.A.